



# BENSALEM TOWNSHIP

Building and Planning Department  
2400 Byberry Road • Bensalem PA 19020  
215-633-3644 • FAX 215-633-3653

**Exhibit Z-4**

## Zoning Hearing Board

**Appeal Number:** \_\_\_\_\_

### Township of Bensalem, Bucks County, Pennsylvania Notice of Appeal

Appeal is hereby made by the undersigned from the action of the Zoning Officer.

**Check applicable item(s):**

- ☐ Certification of Non-Conforming Use
- ☐ Application for Validity Challenge
- ☒ Administrative Officer in refusing my application for a building permit dated: 2/28 and 3/16/2012
- ☐ Special Exception
- ☒ Variance from the terms of the Zoning Ordinance of the Township of Bensalem

**Appellant Name:** CBS Outdoor LLC

**Address:** 1225 McNulty Road, Suite 108  
Philadelphia, PA 19154

**Phone No.** [REDACTED]

**Owner's Name:** Shree Ganash Krupa, LLC

**Address:** 2511 Lincoln Hwy  
Trevose, PA 19053

**Phone No.** [REDACTED]

**Attorney Name:** Louis L. D'Arminio, Esq.

**Address:** Price, Meese, Shulman & D'Arminio, P.C.  
50 Tice Boulevard, Woodcliff Lake, NJ 07677

**Phone No.** [REDACTED]

**Interest of appellant, if not owners (agent, lessee, etc.):** Lessee

**See Disclosure, Exhibit 1**

1. Application relates to the following:

Check items if applicable:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Use   | <input type="checkbox"/> Lot Area          |
| <input type="checkbox"/> Height   | <input type="checkbox"/> Yards             |
| <input type="checkbox"/> Existing Building  | <input type="checkbox"/> Proposed Building |
| <input type="checkbox"/> Occupancy  |  |
| <input checked="" type="checkbox"/> Other: (describe) <u>Sign area: 672 sf (each face) proposed; 160 sf permitted</u> |  |

Section 232-718(8)b

Section 232-714(7)h

2. Brief description of Real Estate affected:

Tax Parcel Number: 02011001003

Location: 2511 Lincoln Highway, Trevoose, PA

Lot Size: 0.7609 AC; 33,143 SF

Present Use: Billboard

Proposed Use: Modernize the Upper Sign face directed to southbound traffic with multimessage LED technology

Present Zoning Classification: H-C1 (Highway Commercial)

Present Improvement upon Land: Billboard

Deed recorded at Doylestown in Deed Book 5250 Page 612

3. If this is an appeal to challenge, provide statement and/or basis for challenge to the validity of the zoning ordinance.

See Addendum @ Exhibit 2

4. If this is an Appeal from action of the Zoning Administrative Officer then complete the following:

Date Determination was made: \_\_\_\_\_

Your statement of alleged error of Zoning Administrative Office: March 16, 2012

See Addendum @ Exhibit 2

5. Specific reference to section of the Zoning Ordinance upon which application for special exception or variance is based (if special or variance is desired):

6. Action desired by appellant or applicant (statement of relief sought or special exception or variance desired):

See Addendum @ Exhibit 2

7. Reasons appellant believes board should approve desired action (refer to section or sections of ordinance under which it is felt that desired action may be allowed, and not whether hardship is (or is not) claimed, and the specific hardship.

See Addendum @ Exhibit 2

8. Has previous appeal or application for special exception or variance been filed in connection with these premises?

☐ YES ☒ NO

Specifications of errors must state separately the appellant's objections to the action of the zoning administrative office with respect to each question of law and fact which is sought to be reviewed.

I, hereby depose and say that all of the above statements and the statements contained in any papers or plans submitted herewith, are true to the best of my knowledge and belief.

CBS Outdoor LLC, by Karen Ehrlich  
Appellant's or Owner's Signature

October 28, 2014  
Date

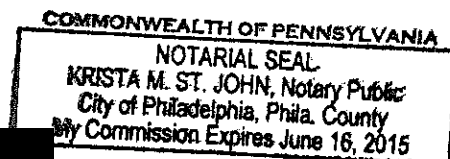
Sworn to and subscribed before me this

28 day of October 2014

Notary Public

My commission expires:

6/16/15



## **APPLICATION ADDENDUM**

**CBS OUTDOOR LLC**  
**2511 Lincoln Highway**  
**Feasterville-Trevose, PA 19053**  
**TMP No. 02-011-001-003**  
**Bensalem Township**  
**Request for Use Variance and Bulk Variances**

### **I. Introduction**

The applicant for this site is CBS Outdoor LLC (“CBS”). The property is located at 2511 Lincoln Highway in Bensalem Township, Bucks County, Pennsylvania with a TMP No.: 02-011-001-003 located in the Highway Commercial District (“H-C1 Zone”) (the “Property”). CBS currently owns and operates two dual face, static outdoor advertising signs on the Property consisting of one lower dual faced sign (each 8 ft. by 20 ft.) (“Lower Sign”) and one upper dual faced sign (each 14 ft. x 40 ft.) (“Upper Sign”) (collectively “Existing Sign”). CBS seeks to permanently remove the Lower Sign and replace the Upper Sign. CBS also seeks to modernize the face of the Upper Sign directed to southbound traffic with digital LED technology to permit said face to display several messages, each one for a period of eight seconds, after which the face is instantly and remotely changed electronically to the next image. This modernization will require the replacement of the existing footings and the outdated unappealing truss framed structure with a new clean upright structure as well as both sign faces of the Upper Sign. While allowing for a newer, more efficient manner to change sign face advertising copy, the sign itself will be no higher nor in any different position than it is today. Both faces of the new Upper Sign will be 14 ft. x 48 ft. which is slightly larger than the existing Upper Sign which is 14 ft. x 40 ft. However, because of the removal of the Lower Sign, the actual total sign area on the Property

will be reduced from 1,468 sq. ft. to 1,344 sq. feet which calculates to a sign area reduction of over 8%.

The Existing Sign is an outdated truss framed structure with two double-faced billboards for which the Pennsylvania Department of Transportation ("PennDOT") has issued a state permit. CBS submitted its Site Plan to the Township Engineer, Mr. Harold W. Gans, PE, requesting that he provide CBS with a review letter with respect to the issuance of a building permit or the necessity for variance approval. In response, by letter dated March 16, 2012 (attached), Mr. Gans directed CBS to the Zoning Hearing Board for relief from Section 213-718(8)(a) <sup>1</sup> which states, "Area: No outdoor advertising sign shall exceed a maximum area of 160 square feet..." He further directed CBS to Section 232-714(7)(h) entitled Prohibited Signs which states "[a]ny sign that is animated or illuminated with lights of a flashing or intermittent nature, that utilizes digital or video technology and/or equipment to display photographic images, whether moving or static, or that changes the message contained thereupon by any means other than manual replacement of the same, including, but not limited to, computer programmable electronic message systems, is prohibited." Although not noted by Mr. Gans, CBS also requires a variance from the right of way setback requirement because of the enlargement of the billboard. The existing non-conforming setback from Trevoise Road is 24 feet which is being reduced to 16 feet. (collectively "Sign Relief"). As such, CBS is seeking bulk variances and use variance for the Sign Relief. <sup>2</sup>

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<sup>1</sup> Mr. Gans' letter mistakenly referenced Section 718(8)(b) instead of Section 718(8)(a).

<sup>2</sup> While there are three other nonconforming conditions relative to the existing sign, (side yard setback, distance between signs, and distance from residential property), there is no change to these present deviations as a result of CBS's proposed digital LED conversion, and thus no variance relief is being requested with respect to same.

## **II. Discussion**

This proposed modernization is in keeping with current industry practices. Over the years, the outdoor advertising industry has consistently developed new, more efficient and safer ways to change copy, from the time when copy was actually hand-painted onto the sign faces by men hanging from ropes, to paper copy pasted to the boards via catwalks, to vinyl copy pulled over the boards with reciprocating ratchets, to motor driven mechanical movements and now to remote electronic changes. This update to digital LED technology allows for the advertising images and messages to appear in crystal clear format and thus presented to the public in a more attractive manner than static copy signage. Moreover, the flexibility of such messages not only benefits advertisers who can now more directly conform its message to the immediate needs of the traveling public but also provides for public safety advertising (e.g. Amber Alerts, FBI Fugitive Alerts, emergency messaging) as well as other beneficial public uses. In addition to the general and public advertising benefits of the proposed multi-message sign face, rather than requiring a truck and a crew to go out to the site to physically remove and install new advertising copy, an outdoor advertising company, such as CBS, can modify the advertisement instantaneously from a central office computer.

As a result of these aesthetic, economic, public and convenience/safety benefits, digital LED multi-message billboards are increasingly becoming the mode of choice for outdoor advertising installations. These signs represent nothing more than a new and advanced way to "change copy" on the face of the boards through a simplified method for presenting additional messages to the public.

Consistent with PennDOT policy, contained in the PennDOT Highway Beautification manual, the copy will instantaneously change at regular intervals, although only one message can

be seen for any one period shorter than five seconds. The messages will never be animated, nor will they flash (in any traditional sense) or blink or contain any moving light. There will be no visual dissolves or “fading” in which any part of one message appears with any part of a second message. These types of digitalized signs are also regulated as to minimum spacing requirements and, similar to any other outdoor advertising sign, multiple message signs must also comply with the “General Restrictions” for all billboards, found in the Outdoor Advertising Control Act, 36 P.S. § 2718.101 et seq. The issuance of the PennDOT permit for this location indicates compliance with all of the State requirements listed above.

While the Township Zoning Ordinance limits “flashing” signs, as will be further explained at the hearing, the Federal Government and PennDOT, 36 P.S. § 2718.105(c)(3)(iv), as well as other states (e.g. nearby New Jersey) also prohibit flashing signs, yet allow for digital multmessage signage. See also U.S. Department of Transportation, Highway Administration, “Guidance on Off-Premise Changeable Message Signs,” issued September 25, finding that changeable electronic variable message signs do not violate federal/state prohibitions against “intermittent” or “flashing” or “moving” lights as the same are contained in each State’s regulations of the same. Moreover, the other zoning change related to increasing the sign area for the Upper Sign which require a variance will, if granted, in fact reduce the overall sign area by at the property by over 8% because of the permanent removal of the Lower Sign.

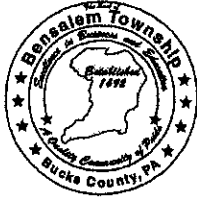
In short, CBS does not seek to change the billboard use. This improvement to incorporate digital LED technology will reduce the overall sign area at the Property, it will not raise the height or otherwise expand what was already approved except as noted above. The incorporation of the LED face allows the Upper Sign to operate more efficiently and within the

more current and modern standards for billboard signs, without any impermissible or expansive alteration of the use.

### **III. Conclusion**

For all of the reasons stated above, and as will be further adduced at the time of the hearing on this matter, including as to the benefits of the modernization and the lack of any site impacts or detriments to the community, CBS respectfully submits that allowance for the modernization of its existing billboard sign be permitted.





# BENSALEM TOWNSHIP

*Building and Planning Department*

Office 215-633-3644 • Fax 215-633-3753

Matthew K. Takita

*Director of Building and Planning*

2400 Byberry Road • Bensalem, PA 19020

March 16, 2012

Shree Ganesh Krupa LLC  
2511 Lincoln Highway  
Trevose, Pa. 19053

<b>Project:</b>	<b>Billboard to LED conversion</b>
<b>Project Address:</b>	<b>2511 Lincoln Highway</b> Trevose Pa. 19053
<b>Tax Parcel:</b>	02-011-001-003
<b>Property Owner:</b>	same as addressed
<b>Permit Status:</b>	Application Denied

Dear Sir/Madam

A review was conducted on the application for the referenced project pursuant to the *Code of the Township of Bensalem*, Chapter 232 ZONING. Please be advised the application submitted for the above captioned project has been rejected due to the following reason(s):

**The proposed area of 672 sq. ft. is greater than the allowable 160 sq. ft.**

**[Section 232-718(8)b]**

**The proposed LED sign is not permitted**

**[Section 232-714(7)h]**

This letter shall serve as formal notice that your permit application has been rejected for said project until such time as the requested information has been provided.

You have the right to appeal this rejection letter. Applications for appeals to the Zoning Hearing Board can be obtained at the Building and Planning Department located in the Municipal Building at 2400 Byberry Road, Bensalem.

Respectfully,

[Redacted Signature]  
Harold W. Gans, PE, PLS  
Bensalem Township Engineer  
215-633-3652

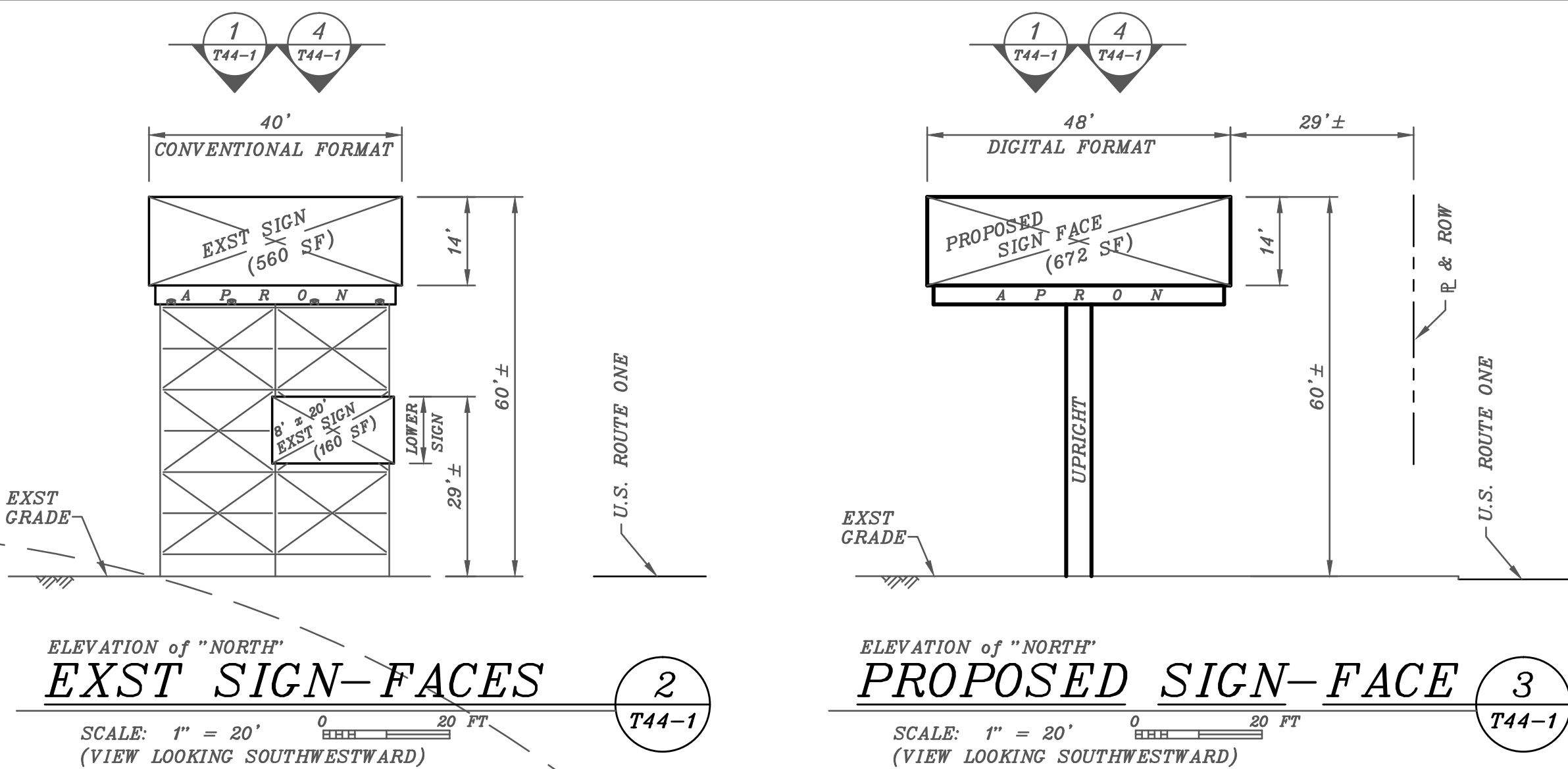
[Redacted Signature]  
emailed

HWG/kl  
Enclosures



OUTDOOR ADVERTISING SIGN CHANGES								
SIGN FACE (BOARD NO)	E X S T				P R O P O S E D			
	FACE DIMENSIONS (FT)		FACE AREA (SF)	HEIGHT (GRADE TO TOP) (FT±)	FACE FORMAT	FACE DIMENSIONS (FT)		FACE FORMAT
	HEIGHT	WIDTH				HEIGHT	WIDTH	
NORTH (231)	14	40	560	60	CONVENTIONAL	14	48	672
LOWER (NORTH)	8	20	160	29	CONVENTIONAL	TO BE REMOVED		
SOUTH (230)	14	40	560	60	CONVENTIONAL	14	48	672
LOWER (SOUTH)	8	20	160	29	CONVENTIONAL	TO BE REMOVED		
TOTALS			1,440		SEE (2) T44-1		1,344	SEE (3) T44-1

RECAP OF ZONING CONTROLS							
ZONING CODE SECTION (1232-718)	CURRENT ZONING CONTROLS (ORD 96-05, 3Jun96)		REQUIRED	EXST (±)	PROPOSED (±)	COMMENT	
(1)	ZONING CLASSIFICATION		H-C	H-C1		NO CHANGE	
(2) a.	ROW SETBACK	U. S. 1 TREVOSE RD	100' (MIN)	29' 24'	29' 16'	VARIANCE REQUIRED	
(2) b.	SIDE YARD		100' (MIN)	ZERO		NO CHANGE EXST NONCONFORMING	
(3)	DISTANCE BETWEEN SIGNS		1000' (MIN)	460'		NO CHANGE EXST NONCONFORMING	
(4)	DISTANCE FROM RESIDENTIAL PROPERTY		500' (MIN)	66'		NO CHANGE EXST NONCONFORMING	
(5)	DISTANCE FROM INSTITUTIONAL PROPERTY		150' (MIN)	885'		NO CHANGE CONFORMING	
(6)	DISTANCE TO A BLDG		25' (MIN)	103'		NO CHANGE CONFORMING	
(7)	MIN LANDSCAPING		AS REQUIRED	AS REQUIRED		NO CHANGE CONFORMING	
(8) a.	SIGN AREA	UPPER	PER FACE	160 SF (MAX)	560 SF	672 SF	VARIANCE REQUIRED
			TOTAL	320 SF (MAX)	1,120 SF	1,344 SF	
		LOWER	PER FACE	160 SF (MAX)	160 SF	NONE	
			TOTAL	320 SF (MAX)	320 SF	NONE	
(8) b.	HEIGHT		20' (MAX)	60'	60'	NO CHANGE EXST NONCONFORMING	
(1232-714)(7) h.	FACE FORMAT	NORTH SOUTH		CONVENTIONAL	DIGITAL CONVENTIONAL	VARIANCE REQUIRED	



### LEGEND:

.....	Zoning District Boundary Line	MIN	Minimum
-x-x-	Exst Fence	NO	Number(s)
BLDG	Building	PL	Property Line
CO	County	R	Radius
DWG	Drawing	RD	Road
EXST	Existing	REF	Reference(s)
FT	Feet	ROW	Right of Way
H-C	Highway Commerical Zoning District	SF	Square FT
HWY	Highway	ST	Street
MAX	Maximum	TMP	Taz Map Parcel NO
		TWP	Township



**PCS INFO**  
PA ACT 287  
PCS: 800.242.1776  
SERIAL NO 2014232826  
OBTAINED ON 30 Aug14

**Aqua PA**  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010-3402  
Phone: 484.625.1402

**AT&T (Local Services)**  
3314 Solom RD P11  
Conjers, GA 33019-2019  
Phone: 770.982.5597

**Bensalem Township**  
3800 Holmesville RD  
Bensalem, PA 19020-4466  
Phone: 215.633.3730

**Bucks County WTR & SWR Authority**  
1276 Almahouse RD  
Warminster, PA 18975-1209  
Phone: 215.343.2538

**COMCAST Cablevision**  
55 Industrial Drive  
Engleand, PA 18975-nnnn  
Phone: 610.265.2276

**PRCO Energy**  
c/a SPS LLC  
1504 West 8th ST  
King of Prussia, PA 19406-1344  
Phone: 610.265.4976

**Verizon**  
900 Race ST, 6th Floor  
Philadelphia, PA 19107-2407  
Phone: 215.261.8950

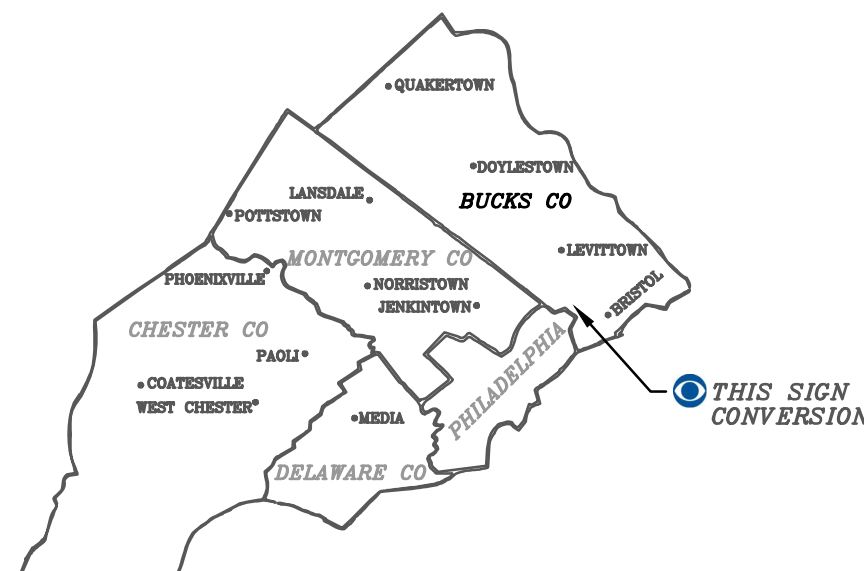
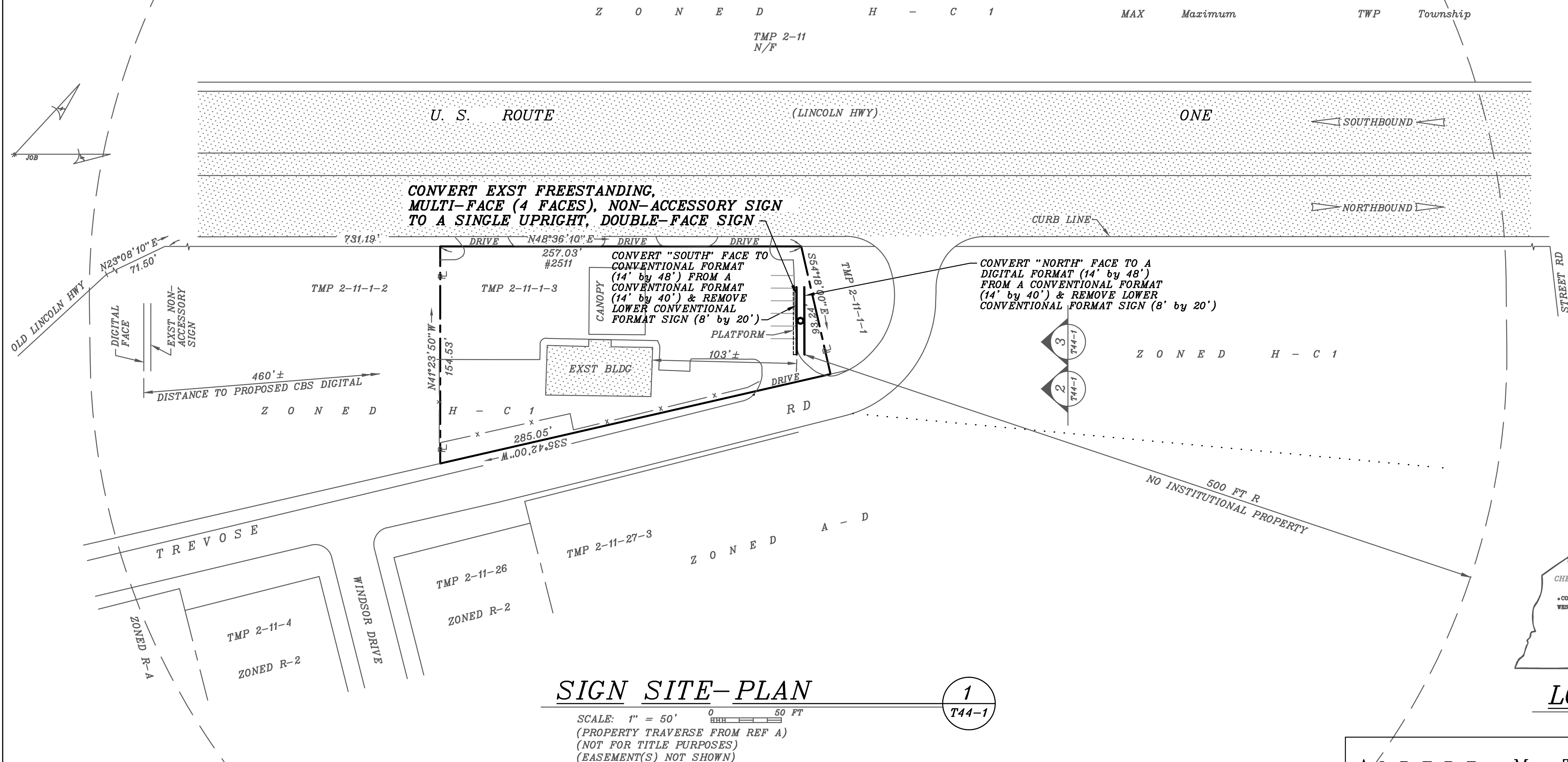
**Zayo Bandwidth**  
c/o State Center Locating  
2510 W Directors Ave  
Salt Lake City, UT 84104-4549  
Phone: 801.364.1063

### REFERENCES:

- Deed recorded on 11Jan07 in Book 5250, Page 1612, Bucks County, PA, 5 Pages
- Plan of Subdivision, dated 1May84, prepared for Kentucky Fried Chicken, by Merle Hopkins Associates, Inc., Maple Shade, NJ, Job NO 840114, File NO D-166-A, DWG NO C-1a
- Zoning Map of Bensalem TWP, Bucks CO, PA, dated Jan12 prepared by O'Donnell and Naccarato, Inc, Philadelphia, PA
- Flood Insurance Rate Map, Community-Panel NO 42017C0501 F, Effective Date 18May99, Panel 501 of 532
- Plan of Survey of TMP 2-11-1-3, dated 12Dec12, prepared by TEI Consulting Engineers, Southampton, PA, Sheet 1 of 1

### NOTES:

- Do not scale DWG.
- Property is zoned H-C1, Highway Commercial District (REF C).
- Owner of Record: Shree Canesh Krupa, LLC  
2511 Lincoln HWY  
Trevose, PA 19053
- Approximate Lot Area = 33,149.00 SF (REF E)  
= 0.7609 Acres (REF E)
- Property is not within the 100-year flood plain. Location lines were scaled from Flood Plain Maps and it appears that the property is not within the 100-year 100-year Flood Plain (REF D).
- The EXST sign  
(a) was erected prior to 1967,  
(b) is a freestanding, double-faced, multiple-upright sign,  
(c) is an EXST nonconforming Outdoor Advertising Sign, and  
(d) has four conventional-format faces.  
[The upper "South" face advertises to northbound traffic on U. S. Route 1, and is identified as CBS Board NO 230.]  
[The upper "North" face advertises to southbound traffic on U. S. Route 1, and is identified as CBS Board NO 231.]
- This DWG proposes no change in the overall height or location of the EXST sign.
- The proposed changes to the EXST sign are identified in the table on this DWG titled "Outdoor Advertising Sign Changes".
- Digital-face dimensions are nominal.



### LOCATION MAP

SCALE: NONE

### SIGN SITE-PLAN

SCALE: 1" = 50'  
(PROPERTY TRAVERSE FROM REF A)  
(NOT FOR TITLE PURPOSES)  
(EASEMENT(S) NOT SHOWN)

ALBERT M. TANTALA, SR., P. E.  
PROFESSIONAL ENGINEER  
PA NO 14985-E  
NJ NO 16617  
RI NO 6061  
VA NO 18003  
NY NO 76518  
DATE

MICHAEL W. TANTALA, P. E.  
PROFESSIONAL ENGINEER  
PA NO 071443  
OH NO PE72050  
MD NO 43291  
NJ NO 24GE04914100  
DE NO 16560  
MA NO 180679  
DATE